



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Op 3736  
IFW

Atty Docket No.: 2401.126.US

In re the Patent application of

Richard L. Prass

Examiner: Jonathan Foreman

Serial No.: 09/985,708

Group Art Unit: 3736

Filed: November 6, 2001

For: Intraoperative Neurophysiological Monitoring System

### RESPONSE

#### **MAIL STOP: PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

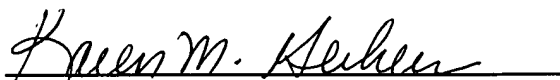
This communication is submitted in response to the Office Action of December 3, 2004, requiring restriction in the subject application to Invention I (claims 1-26) or Invention II (claims 27-32) and requiring election of a species corresponding to Fig. 1, Fig. 4, Fig. 8 or Fig. 9.

In response, applicant hereby elects, without traverse, Invention I (claims 1-26) for prosecution on the merits and the species corresponding to Fig. 8. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 read on the elected species, and claims 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 are submitted to be generic.

In light of the foregoing, the subject application is submitted to be in condition for examination on the merits. Early, favorable action on the merits of the subject application is courteously solicited.

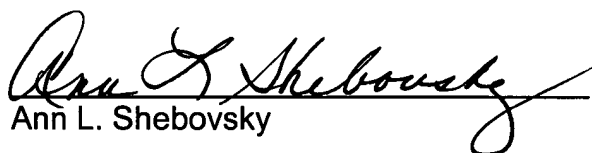
Should any issues in the subject application remain unresolved, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,

  
Karen M. Gerken  
Registration No. 31,161

EPSTEIN & GERKEN  
1901 Research Boulevard, Suite 340  
Rockville, Maryland 20850  
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 3, 2005.

  
Ann L. Shebovsky



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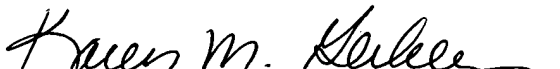
Sir:

Transmitted herewith are the following documents for filing in the subject patent application:


Response; and

Return Receipt Postcard.

Respectfully submitted,

  
Karen M. Gerken  
Registration No. 31,161

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on January 3, 2005.

  
Ann L. Shebovsky